

Message

From: Logan, Paul [Logan.Paul@epa.gov]
Sent: 8/10/2015 9:35:43 PM
To: Stein, Kathie [Stein.Kathie@epa.gov]
CC: Ward, W. Robert [Ward.Robert@epa.gov]
Subject: RE: Environmental Appeals Board

Judge Stein,

In response to your email, below are the Region 8 matters that might lead to EAB permit appeals between now and the end of FY 16:

- Two UIC permits (a class III area permit and a class V area permit) concerning the proposed Dewey Burdock uranium mine, which may be issued during FY 16.
- Two related Clean Air Act permits for the Deseret coal fired power plant could be appealed – a Title V operating permit and a PSD correction permit. The Title V permit has been issued and appealed in the case of Part 71 Permit Appeal Nos. CAA 15-01, 15-02, and these appeals have been stayed pending ADR. If these appeals are not settled, litigation will continue. EPA has also proposed to issue a PSD correction permit. It is possible that EPA's final action will be appealed to the EAB, either for issuing or not issuing a PSD correction permit. We are optimistic that these appeals will be resolved through settlement, but as they have not yet settled, it is still a possibility that ADR will fail and the appeals will be litigated.
- Five NDPES permits for oil and gas wells on the Wind River Reservation in Wyoming were issued by the Region, and these permits were appealed by Wesco Operating, Inc., Phoenix Operating Co., Public Employees for Environmental Responsibility (PEER) and the Natural Resources Defense Council (NRDC). These appeals have been stayed pending ADR, and the parties will meet with a settlement judge in October. If ADR is unsuccessful, litigation will likely resume.

Paul Logan

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From: "Stein, Kathie" <Stein.Kathie@epa.gov>
Date: July 31, 2015 at 3:43:22 PM MDT
To: "Dierker, Carl" <Dierker.Carl@epa.gov>, "Schaaf, Eric" <Schaaf.Eric@epa.gov>, "Coe, Mary" <Coe.Mary@epa.gov>, "Wilkes, Mary" <Wilkes.Mary@epa.gov>, "Frey, Bert" <frey.bertram@epa.gov>, "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Cozad, David" <Cozad.David@epa.gov>, "Ward, W. Robert" <Ward.Robert@epa.gov>, "Quast, Sylvia" <Quast.Sylvia@epa.gov>, "Stern, Allyn" <Stern.Alyn@epa.gov>
Subject: Environmental Appeals Board

Dear Regional Counsel,

I am writing to ask for your assistance in projecting cases that might come to the Board either during the fourth quarter 2015; or during FY 2016. If you could provide estimates by statute and type (permit, enforcement, CERCLA, etc), it would be helpful to us for planning purposes. I would appreciate it if you could get me this information in the next two weeks – by August 14 if possible.

Thanks so much for your help.

Kathie Stein